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10  
11 IN THE UNITED STATES DISTRICT COURT  
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
13

14 **GREGORY MARK McCARTHY,**

Petitioner,

15  
16 **v.**

17 **IVAN D. CLAY, Warden,**

18 Respondent.  
19

C 07-3933 PJH (PR)

**DECLARATION OF  
COUNSEL IN SUPPORT OF  
APPLICATION FOR  
EXTENSION OF TIME TO  
FILE RESPONSE**

20 I, MICHELE J. SWANSON, declare under penalty of perjury as follows:

21 I am a Deputy Attorney General for the State of California and am assigned to  
22 represent respondent in this case. Respondent's answer or other responsive pleading is due  
23 October 26, 2007, pursuant to this Court's August 27, 2007 Order to Show Cause. I am unable  
24 to meet this deadline, and request an extension of time to file a response to the petition for the  
25 following reasons.

26 I was not the attorney who handled this case on direct appeal. Since having this case  
27 assigned to me, I have been working on cases with chronological precedence, and in the past 30  
28 days I have filed motions to dismiss in *Johnson v. Malfi* (C 06-6376 MJJ (PR)) and *Castillo v.*

1 *Brown* (C 05-1177 WHA (PR)), and have recently completed an answer in *Runge v. Evans* (C  
2 06-2509 PJH (PR)) and a motion to dismiss in *Woodcock v. Curry* (C 07-3043 WHA (PR)). I am  
3 currently working on the responsive pleadings in *Carpenter v. Kenan* (C 06-7408 JSW (PR)) and  
4 *Huynh v. Carey* (C 06-2518 MMC (PR)). For these reasons, I need additional time to complete  
5 the response in this case.

6 Petitioner is in custody and representing himself. Therefore, I have not attempted to  
7 contact him to inform him about this application for an extension of time.

8 Accordingly, I respectfully request that the Court grant respondent an extension of 60  
9 days, to and including December 26, 2007, in which to file a response to the petition.

10 I declare under penalty of perjury that the foregoing is true and correct.

11 Executed at San Francisco, California, on October 26, 2007.

12  
13 /s/ Michele J. Swanson  
14 MICHELE J. SWANSON  
Deputy Attorney General

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